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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
)
v.)
)
KENNETH JOHN GULICK,)
)
Defendant.)

Criminal No. CR 05-00435 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME**

The above-captioned matter came before the Court on July 28, 2005 for initial appearance on the indictment. The defendant was represented by David Fermino and the government was represented by Jeffrey Finigan, Assistant United States Attorney. The case was set for August 11, 2005 for status and/or trial setting.

The Court made a finding on the record that the time from and including July 28 through August 11, 2005, should be excluded under the Speedy Trial Act, 18 U.S.C.

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§ 3161(h)(8)(A), because the ends of justice served by taking such action outweighed the best interest of the public and the defendant in a speedy trial. That finding was based on the need for the defendant to have reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and for continuity of counsel pursuant to 18 U.S.C.

§ 3161(h)(8)(B)(iv).

The parties hereby agree to and request that the case be continued until August 11, 2005 and that the exclusion of time until then be granted. The parties agree and stipulate that the additional time is appropriate and necessary under Title 18, United States Code, § 3161(h)(8)(A), because the ends of justice served by this continuance outweigh the best interest of the public and the defendant in a speedy trial. This time exclusion will allow defense counsel to effectively prepare, taking into account the exercise of due diligence, and will provide for continuity of counsel for the defendant.

DATED: 7/30/05

/s/
DAVID FERMINO
Counsel for Kenneth John Gulick

DATED: 7/30/05

/s/
JEFFREY FINIGAN
Assistant U.S. Attorney

So ordered.

DATED: August 1, 2005


JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE

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